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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,732

12/28/2004

Eelco Nicodem

P14095-US1

5126

27045

7590

12/16/2005

ERICSSON INC.
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EXAMINER

PATEL, HEMANT SHANTILAL

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/519,732

Applicant(s)

NICODEM, EELCO

Examiner

Hemant Patel

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-19 are cancelled.

Application filing date of 12/28/2004 in U.S. is more than twelve months after the original filing date 7/4/2002 of the same application in a foreign country. It fails to meet 35 USC 119(a) requirements.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 20-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer (US Patent No. 5,493,692), and further in view of Baratz (US Patent Application Publication No. 2002/0034190 A1).

Regarding Claims 20 and 27, Theimer teaches of a method of delivering message to a user with an access to a plurality of telecommunication services in a telecommunication network using multiple access devices (Figs. 1,2). Theimer also teaches of analyzing operational capabilities of a printer device of receiving a private document for printing if the document to be printed is private (i.e. printer is secure and no one else is present nearby to it) and the document (message) is delivered in the format of the printer by printer driver (printer driver reformats original document with necessary control characters specific to the printer) (Col. 23, ll. 43-col. 24, ll. 7).

Theimer teaches of keeping track of current usage of a device by the user (keeping track of it in UserAgent col. 9, ll. 64-66, and DeviceAgent col. 13-, ll. 64-66). Theimer does not specifically teach of keeping history of user preference or usage for a particular device.

However, in the same field of communication, Baratz teaches of keeping track of history of user access (preference) for a particular site for information (Paragraph 0066).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Theimer to include building and using the history of usage of particular services (devices) by the user as taught by Baratz in order to predict and choose the service (device) for successful delivery of a message.

Regarding Claims 21 and 28, Theimer does not specifically teach of use-analysis.

However, in the same field of communication, Baratz teaches of invoking a service related event of monitoring of destination in a message when user sends message to use telecommunications service and this destination information in the event is used for building usage on a per user basis i.e. user profile of user access to telecommunication services (Paragraph 0066).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Theimer to include using a service related event to build usage history for each user as taught by Baratz in order to predict the success of delivery of a message to command user's attention.

Regarding Claim 22, Theimer teaches of using name as a personal identification (col. 7, ll. 48-55, any user has to identify himself/herself to register with name to receive banking or transportation services).

Theimer does not specifically teach of use-analysis.

However, in the same field of communication, Baratz teaches of invoking a service related event of monitoring of destination in a message when user sends message to use telecommunications service and this destination information in the event is used for building usage on a per user basis i.e. user profile of user access to telecommunication services (Paragraph 0066). Baratz does not specifically of using user name to indicate usage analysis for a particular user.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Theimer with its use of name to identify a user with usage history for each user as taught by Baratz in order to uniquely identify the usage history for each user.

Regarding Claims 23 and 29, Theimer does not specifically teach of use-analysis.

However, in the same field of communication, Baratz teaches of building usage on a per user basis i.e. user profile of user access to telecommunication services and using it to deliver the advertising message (Paragraph 0066).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Theimer to include using the usage history to deliver the

message as taught by Baratz in order to enhance the success of delivery of a message to the user.

Regarding Claims 24 and 30, Theimer teaches of selecting the printer (device) if it is in operational mode of receiving private document for printing (col. 23, ll. 50-col. 24, ll. 7).

Regarding Claims 25 and 31, Theimer teaches of user's preference of being next to the printer when no one else is present nearby the printer to print the private document (col. 23, ll. 45-49).

Regarding Claims 26 and 32, Theimer teaches of delivering said message (received message of document to be printed) comprises the step of triggering a further message of sending a reformatted document (message, reformatted by printer driver) to the printer (target device) (col. 23, ll. 43-col. 24, ll. 7).

Regarding Claim 33, Theimer teaches of providing an indication of user's whereabouts (col. 9, ll. 64-66).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant Patel whose telephone number is 571-272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hemant Patel
Examiner
Art Unit 2645

HSP



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SUPERVISORY PATENT EXAMINER
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